

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN, et al.,
Plaintiffs,
-versus-
HENRY S. DOGIN, et al.,
Defendants.

No. 79 Civ. 5077

ORDER

LORETTA A. PRESKA, SENIOR UNITED STATES DISTRICT JUDGE:

The Court has reviewed the papers regarding Plaintiffs' request to file a motion seeking the appointment of an expert to assess the conditions at Green Haven Correctional Facility ("Green Haven") arising out of the COVID-19 virus. The request to file the motion is DENIED as futile.

There is no doubt, as all parties acknowledge, that the COVID-19 virus might create a dangerous situation inside of any correctional facility. Defendants have described generally the measures that have been implemented at Green Haven to mitigate the spread of the disease. Plaintiffs have not suggested any reason to think that DOCCS is deliberately indifferent to the inmates' medical needs at Green Haven or to think that Green Haven is different from any similar institution. Accordingly, on the facts in the parties' letters, any motion to appoint an

expert would be futile, so the request to file such a motion is
DENIED.

SO ORDERED.

Dated: April 2, 2020
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style.

LORETTA A. PRESKA
Senior U.S. District Judge